

January 8, 2024

VIA E-MAIL: [dano@kslco.com](mailto:dano@kslco.com)

**NOTICE OF VIOLATION**

Mr. Dan O'Brien, Business Manager  
Keystone Sanitary Landfill, Inc.  
249 Dunham Drive  
Dunmore, PA 18512-2686

Re: Keystone Sanitary Landfill, Inc.  
Solid Waste Management Permit #101247  
Dunmore and Throop Boroughs, Lackawanna County

Dear Mr. O'Brien:

As a result of a December 2, 2023 odor complaint investigation conducted by the Pennsylvania Department of Environmental Protection ("Department"), the Department has determined that Keystone Sanitary Landfill, Inc. ("KSL") was in violation of the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. Sections 6018.101 et seq., and the Air Pollution Control Act of January 8, 1960, P.L. 2119, as amended, 35 P.S. § 4001 et seq., the rules and regulations promulgated thereunder, and the facility permit conditions.

A representative of the Department's Emergency Response Team responded to odor complaints on December 2, 2023 and detected moderate to strong leachate odors, consistent with those that have been detected at KSL's leachate lagoons, on Cypress Street, Dunmore Street, George Street, Marshwood Road, and South Street, including malodors detected at the residences of three complainants. The Department has also detected the same leachate odors on Marshwood Road during odor patrols prior to and after December 2, 2023. The Department has determined the following violations:

1. KSL permitted the emission of a malodorous air contaminant from the landfill into the outdoor atmosphere in such a manner that the malodors were detectable outside the landfill where the malodors were generated, in violation of 25 Pa. Code §§ 123.31(b), 127.444, and 273.217(b) and Title V Permit No. 35-00014 Section C Site Level Requirement Number 003.
2. KSL failed to prevent and control air pollution in accordance with the Air Pollution Control Act, Article III (relating to air resources) and § 273.218 (relating to nuisance minimization and control), in violation of §§ 273.201(c) and 273.217(a) and Solid Waste Management Permit No. 101247 Part II Section II Condition 7.a.
3. KSL failed to implement the Nuisance Minimization and Control Plan to minimize and control public nuisances from odors, in violation of 25 Pa. Code §§ 273.201(c) and 273.218(b)(1) and Solid Waste Management Permit No. 101247 Part II Section II Condition 8.b.

4. KSL failed to implement the Nuisance Minimization and Control Plan to minimize and control other conditions that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances, in violation of 25 Pa. Code §§ 273.201(c) and 273.218(c) and Solid Waste Management Permit No. 101247 Part II Section II Condition 8.b.

Within fifteen (15) days of receipt of this notice, please submit to the Department a proposed plan and schedule that addresses the correction and prevention of the above violations. The response should be submitted by e-mail, as an attachment, to this resource account: ra-epwn-nero@pa.gov.

You are hereby notified of both the existence of the violations as well as the need to provide for prompt correction. Under the Solid Waste Management Act and the Air Pollution Control Act, each day a violation continues is considered a distinct and separate offense. The violations noted herein may result in an enforcement action under the Solid Waste Management Act or the Air Pollution Control Act.

This Notice of Violation is neither an Order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions regarding this letter, then please contact me through e-mail at jmatulevic@pa.gov or by telephone at 570.826.5488.

Sincerely,

*Joshua Matulevich*

Joshua Matulevich  
Environmental Protection Compliance Specialist  
Waste Management Program

cc: Dominick DeNaples, Keystone Sanitary Landfill, Inc. (via e-mail: dominickd@kslco.com)  
Dunmore Borough (via e-mail: greg.wolff@dunmorepa.gov)  
Throop Borough (via e-mail: lcimini@throopboro.com)